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Technical cooperation and assistance

Note by the Secretariat

Contents

		Paragraphs	Page
I.	Introduction	1-7	2
II.	Technical cooperation and assistance activities	8-44	2
	A. General approaches	8-17	2
	B. Specific activities	18-44	4
III.	Dissemination of information	45-62	14
	A. Website	46-48	14
	B. Library	49-53	14
	C. Publications	54-57	15
	D. Press releases	58-59	16
	E. General enquiries	60	16
	F. Briefings for Permanent Missions in Vienna	61	17
	G. Information lectures in Vienna	62	17
IV.	Resources and funding	63-74	17
	A. UNCITRAL Trust Fund for symposia	65-69	17
	B. UNCITRAL Trust Fund to grant travel assistance to developing countries that are members of UNCITRAL	70-74	18

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I. Introduction

1. Pursuant to a decision taken at its twentieth session in 1987, technical cooperation and assistance activities aimed at promoting the use and adoption of its texts represent one of the priorities of the United Nations Commission on International Trade Law (UNCITRAL).[1]

2. In its resolution 67/89 of 14 January 2013, the General Assembly reaffirmed the importance, in particular for developing countries and economies in transition, of the technical cooperation and assistance work of the Commission and reiterated its appeal to bodies responsible for development assistance, as well as to Governments in their bilateral aid programmes, to support the technical cooperation and assistance programme of the Commission and to cooperate and coordinate their activities with those of the Commission.

3. The General Assembly welcomed the initiatives of the Commission towards expanding, through its Secretariat, its technical cooperation and assistance programme, and noted with interest the comprehensive approach to technical cooperation and assistance, based on the strategic framework for technical assistance suggested by the Secretariat to promote universal adoption of the texts of the Commission and to disseminate information on recently adopted texts.

4. The General Assembly also stressed the importance of promoting the use of texts emanating from the work of the Commission for the global unification and harmonization of international trade law, and to this end urged States that have not yet done so to consider signing, ratifying or acceding to those conventions, enacting model laws and encouraging the use of other relevant texts.

5. The status of adoption of UNCITRAL texts is regularly updated and available on the UNCITRAL website. It is also compiled annually in a note by the Secretariat entitled "Status of conventions and model laws" (for the Commission's forty-seventh session, see A/CN.9/806).

6. This note sets out the technical cooperation and assistance activities of the Secretariat subsequent to the date of the previous note submitted to the Commission at its forty-sixth session in 2013 (A/CN.9/775 of 1 May 2013), and reports on the development of resources to assist technical cooperation and assistance activities.

7. A separate document (A/CN.9/809) provides information on current activities of international organizations related to the harmonization and unification of international trade law and on the role of UNCITRAL in coordinating those activities.

II. Technical cooperation and assistance activities

A. General approaches

8. Technical cooperation and assistance activities undertaken by the Secretariat aim at promoting the adoption and uniform interpretation of UNCITRAL legislative

[1] *Official Records of the General Assembly, Forty-second Session, Supplement No. 17* (A/42/17), para. 335.

texts. Such activities include providing advice to States considering signature, ratification or accession to UNCITRAL conventions, adoption of an UNCITRAL model law or use of an UNCITRAL legislative guide.

9. Technical cooperation and assistance may involve: undertaking briefing missions and participating in seminars and conferences, organized at both regional and national levels; assisting countries in assessing their trade law reform needs, including by reviewing existing legislation; assisting with the drafting of national legislation to implement UNCITRAL texts; assisting multilateral and bilateral development agencies to use UNCITRAL texts in their law reform activities and projects; providing advice and assistance to international and other organizations, such as professional associations, organizations of attorneys, chambers of commerce and arbitration centres, on the use of UNCITRAL texts; and organizing training activities to facilitate the implementation and interpretation of legislation based on UNCITRAL texts by judges and legal practitioners.

10. Design and implementation of technical cooperation and assistance activities took place in line with the priorities lines of action for such activities, which included: stressing a regional and subregional approach in order not only to achieve economies of scale but also to complement ongoing regional integration initiatives; promoting the universal adoption of those international trade law texts already enjoying wide acceptance, and making particular efforts to disseminate information on recently adopted texts, with a view, if such texts were treaties, to fostering their early adoption and entry into force (A/66/17, para. 255).

11. Some of the activities undertaken in the relevant time period are described below. Activities denoted with an asterisk were funded by the UNCITRAL Trust Fund for Symposia.

Initiatives for a regional approach

12. The Secretariat continued participation in the second phase of the Asia-Pacific Economic Cooperation (APEC) Ease of Doing Business Project on enforcing contracts in cooperation with the Ministry of Justice of the Republic of Korea. The project aims at strengthening the legislative and institutional framework for the enforcement of contracts in APEC economies. In 2013, the project focused on Brunei Darussalam and Viet Nam (Bandar Seri Begawan, and Hanoi, 25 May-5 June 2013)*. In addition to these economies, the Ministry of Justice of the Republic of Korea decided to expand its project to non-APEC economies, with Saudi Arabia being the first target State (Riyadh, 3-9 May 2013)*. The three States had all recently reformed their arbitration law and thus their legislation as well as the supporting environment were analysed. None of the three States are parties to the United Nations Convention on Contracts for the International Sale of Goods (Vienna, 1980) (the "CISG")[2] and thus the importance of becoming a party to the international trade regime was also highlighted. With the increasing importance of electronic commerce in those States, UNCITRAL texts on electronic commerce were also promoted. The above-mentioned measures were recommended during the wrap-seminar (Seoul, 29-31 October 2013)* as a way of improving the legal environment for enforcing contracts in those States, particularly with respect to foreign trade and investment. The Secretariat's participation in the project has been

[2] United Nations, *Treaty Series*, vol. 1489, No. 25567.

made possible through the continued voluntary contribution received from the Government of the Republic of Korea.

13. The Secretariat delivered a presentation on UNCITRAL's efforts in the harmonization of law, at the Middle Eastern regional conference "The 2010 Unidroit Principles of International Commercial Contracts in light of international conventions and national laws: Launch of the Arabic version of the 2010 Principles", organized in the framework of The Protection Project at the Johns Hopkins University School of Advanced International Studies (Muscat, 23-24 March 2014).

14. Additional information on the regional technical assistance and cooperation activities of the UNCITRAL Regional Centre for Asia and the Pacific is available in the dedicated report (A/CN.9/808).

Promotion of the universal adoption of fundamental trade law instruments

15. The Secretariat has continued to engage in promoting the adoption of fundamental trade law instruments, i.e., those treaties that are already enjoying wide adoption and the universal participation to which would therefore seem particularly desirable.

16. The treaties currently considered under that approach are the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958)[3] (the "New York Convention", a United Nations convention adopted prior to the establishment of the Commission, but actively promoted by the Commission), whose universal adoption has already been explicitly called for by the General Assembly,[4] and the CISG.

Promotion of recent treaties

17. The Secretariat continues to promote recently adopted treaties in order to encourage their signature and adoption by States with a view to facilitating their early entry into force and, when already in force, to consolidate their status as globally accepted standards. Treaties currently considered under that approach include the United Nations Convention on the Use of Electronic Communications in International Contracts (New York, 2005)[5] and the United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea (New York, 2008) (the "Rotterdam Rules").[6]

B. Specific activities

Sale of goods

18. The Secretariat has continued to pursue broader adoption of the CISG. Accessions to the text have been supported by dedicated workshops and conferences as well as by bilateral meetings and other interaction. Examples of such meetings

[3] United Nations, *Treaty Series*, vol. 330, No. 4739.

[4] United Nations General Assembly, Resolution 62/65 of 8 January 2008, para. 3.

[5] General Assembly resolution 60/21, annex.

[6] General Assembly resolution 63/122, annex.

include the international conference on "The United Nations Convention on Contracts for the International Sale of Goods: an opportunity for growth" organized with the Colegio de Abogados y Abogadas de Costa Rica in San José, Costa Rica, on 19 November 2013. The CISG was also discussed at the workshop on UNCITRAL texts on sale of goods and electronic commerce organized at the request of the Ministry of Commerce of Côte d'Ivoire by the International Trade Center (INTRACEN) in the framework of the project PACIR (Programme d'appui au commerce et au l'intégration régionale) and held in Abidjan, Côte d'Ivoire on 17-18 December 2013.

19. The Secretariat has also continued to support States in the process of revision of declarations lodged upon becoming party to the CISG, with a view to reconsidering them, where appropriate, in order to further harmonize the scope of application of the convention. The outcome of such process is reflected in the corresponding changes in the CISG treaty status (see A/CN.9/806).

20. In addition, the Secretariat remains active in promoting uniform interpretation of the CISG, both through activities related to the Case law on UNCITRAL texts (CLOUT) and through delivery of targeted trainings for judges, practitioners and students. These trainings have included delivery of an address on the use of CISG and other sales texts in arbitration at the annual Slovenian Arbitration Conference at the Chamber of Commerce and Industry of Slovenia (Ljubljana, 4 November 2013)*; presentation on interpretation of electronic commerce issues under the CISG during a round-table discussion and lecture for students at the Faculty of Law, Holy Spirit University of Kaslik (Jounieh, Lebanon, 29-30 April 2014)*; and provision of a CISG seminar at the Faculty of Law, University of Vienna (Vienna, 28 October-7 November 2013).

Dispute resolution

21. The Secretariat has been engaged in the development of instruments and tools to provide information on the application and interpretation of UNCITRAL texts in the field of dispute settlement. The Secretariat has also been engaged in training activities, in the promotion of instruments relating to arbitration and conciliation as well as in supporting ongoing legislative work. Given the high rate of adoption of these texts, the demand for technical assistance in the field of dispute resolution remains particularly acute.

(i) Development of instruments and tools to provide information on the application and interpretation of UNCITRAL texts in the field of dispute settlement

22. Regarding the New York Convention, a website (www.newyorkconvention1958.org) has been established in order to make the information gathered in the preparation of the UNCITRAL guide on the New York Convention publicly available.

23. Regarding the UNCITRAL Model Law on International Commercial Arbitration (1985), with amendments as adopted in 2006 (the "Model Law on

Arbitration"),[7] the Secretariat is currently working on updating the 2012 Digest of Case Law on the Model Law on International Commercial Arbitration.[8]

(ii) Supporting ongoing legislative work and training activities

24. The Secretariat has provided comments on legislation on arbitration, including for the Governments of Albania, Belgium, Indonesia, Lithuania, Mongolia, Portugal, state of Georgia (United States of America) and Viet Nam.

25. The Secretariat participated in a preparatory meeting of a conference on the New York Convention within the framework of an ongoing project on economic and legal reform organized by the Commercial Law Development Program (CLDP), United States Department of Commerce. Topics included international arbitration, international sales contracts, intellectual property, documentary credit and international partnerships (Bagdad, 30 June-3 July).

26. The Secretariat also contributed, within the framework of an ongoing regional legal reform project "Open Regional Fund - Legal reform" (ORF-LR) of the Deutsche Gesellschaft für Internationale Zusammenarbeit ("GIZ"), to a project on arbitration rules of arbitral institutions and on the application of the New York Convention (Skopje, 12-14 July).

27. The UNCITRAL Regional Centre for Asia and the Pacific co-organized, with the Ministry of Justice of the Republic of Korea and the Korean Commercial Arbitration Board, a conference on "Arbitration Reform in the Asia Pacific Region: Opportunities and Challenges" (Seoul, 11-12 November 2013).

28. The Secretariat co-organized, with the Austrian Arbitration Association, the International Arbitral Centre of the Austrian Federal Economic Chamber (VIAC), the International Chamber of Commerce Austria and the Young Austrian Arbitration Practitioners (YAAP), the Vienna Arbitration Days (Vienna, 28 February-1 March 2014).

29. Other events on international arbitration in which the Secretariat participated or contributed include:

(a) The fifth Biennial Asia Pacific Regional Arbitration Group Conference 2013, where the Secretariat delivered a keynote speech aimed at raising awareness on UNCITRAL work and took part in panel discussions on treaty-based investment arbitration, introducing the newly adopted UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration[9] (Beijing, 26-30 June 2013);

(b) The 10th Anniversary Conference of the Master Program in International Commercial Arbitration Law (ICAL) at Stockholm University: "Mastering the Challenges in International Arbitration" — co-organized by the Stockholm University, Swedish Arbitration Association, Arbitration Institute of the Stockholm Chamber of Commerce and UNCITRAL (Stockholm, 29-30 August 2013);

[7] United Nations publication, Sales No. E.08.V.4.

[8] Available from www.uncitral.org/uncitral/en/case_law/digests.html.

[9] Available from www.uncitral.org/uncitral/uncitral_texts/arbitration.html.

(c) An UNCTAD conference on economies in transition, where the Secretariat made a presentation to promote the UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration (Sarajevo, 2-3 October 2013);

(d) A seminar organized by the BANI Arbitration Centre of Indonesia and the Indonesian Institute of Arbitrators on the Model Law on Arbitration and on reform of Indonesian Arbitration Law: "Is the Indonesian Arbitration Law Friendly to Business?" (Jakarta, 30 September-4 October 2013);

(e) An international conference on "Costs of International Arbitration: Criticalities and Solutions" organized by ISPRAMED and the Istanbul Chamber of Commerce (Istanbul, 7-8 October 2013);

(f) The Hamburg Lectures series, upon invitation by the Hamburg University, Institute of Law and Economics (Hamburg, Germany, 30 October 2013);

(g) The annual Slovenian Arbitration Conference at the Chamber of Commerce and Industry of Slovenia, where the Secretariat presentation aimed at promoting UNCITRAL texts in the region (Ljubljana, 4 November 2013)*;

(h) A conference organized by the International Commercial Arbitration Court at the Chamber of Commerce and Industry of Ukraine (Kiev, 14-15 November 2013);

(i) The UNCTAD Regional Training Course, where the Secretariat made a presentation on the UNCITRAL Rules on Transparency in Treaty-based investor-State Arbitration (21 November 2013, via videoconferencing);

(j) The conference organized jointly by UNCITRAL, the International Arbitration Institute (IAI) and the Geneva Centre for International Dispute settlement (CIDS) on "Concurrent Proceedings in Investment Disputes" (Paris, 22 November 2013);

(k) The Singapore International Arbitration Academy 2014 where the Secretariat made a presentation on the current work of UNCITRAL on transparency and on the project on the New York Convention (Singapore, 29 November 2013)*;

(l) The 24th Meeting of the Energy Charter Conference, Ministerial Session, "15 Years of Energy Investment Promotion and Protection under the Energy Charter Treaty" where the Secretariat delivered a presentation on the UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration and on the current work of UNCITRAL on the preparation of a convention on transparency (Nicosia, 5 December 2013);

(m) The OECD conference on arbitration in the Mediterranean: "Fostering Infrastructure Investment in the MENA Region: Mitigating Risk in Uncertain Times"; the Conference also formally launched the MENA-OECD Working Group on Investment Security in the Mediterranean (ISMED) (Paris, 8-10 December 2013);

(n) A training seminar at the Uppsala University Master's Programme in International Investment Arbitration (Uppsala, Sweden, 29 January 2014);

(o) A training seminar on arbitration at the Magistrate School and the Faculty of Law (Tirana, 4-7 February 2014);

(p) A conference jointly organized between the British Institute of International and Comparative Law and UNCITRAL where the UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration and the draft convention on transparency were presented (London, 20 March 2014);

(q) The sixth Belgrade Arbitration Conference on Arbitrators' Powers and Party Autonomy (Belgrade, 4 April 2014); and

(r) Attended the twenty-second International Council for Commercial Arbitration (ICCA) Biennial Congress on legitimacy of arbitration (Miami, Florida, United States, 6-9 April 2014).

30. In the field of mediation, the Secretariat made a presentation on the UNCITRAL Model Law on International Commercial Conciliation (2002)[10] and the UNCITRAL Conciliation Rules (1980)[11] in the framework of the International Institute for Commercial Law's Online Certificate Program in International Commercial Law and International Alternative Dispute Resolution (4 October, via videoconferencing).

Electronic commerce

31. The Secretariat has continued promoting the adoption of UNCITRAL texts on electronic commerce, including in cooperation with other organizations and emphasizing a regional approach. In that framework, the Secretariat has provided comments on draft regional and national legislation and engaged in informal consultation with legislators and policymakers from various jurisdictions.

32. Relevant activities included:

(a) Delivering a presentation on the legal framework for electronic commerce, at the 3rd Arab Forum for Electronic Transactions and Exchange, upon invitation by the Arab Information and Communication Technology Organization to promote UNCITRAL texts in the Arab region (Tunis, 24-25 September 2013)*;

(b) Delivering a presentation on an enabling legal framework for paperless trade, emphasizing the need for a general legal framework for e-transactions and harmonization in ECO states to promote cross-border trade (Tabriz, Islamic Republic of Iran, 2-3 October 2013)*;

(c) Delivering a presentation at the first and second exploratory seminar E-signatures for E-business Transactions in Euromed (Europe and Southern Mediterranean) Region organized by the European Commission and also in cooperation with the Union for Mediterranean (UFM), with a view to increasing cross-border usage of e-signatures and trust services and gathered information about the use of electronic signatures in the region (Amman, 11-12 November 2013 and Barcelona, Spain, 22-23 January 2014)*; and

(d) Participating at the workshop "Harmonizing Cyber Legislation in the ECOWAS Region" organized by UNCTAD, ECOWAS, ACCP, COE and UNAFRI

[10] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 17* (A/57/17), annex I.

[11] *Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 17* (A/35/17), chap. V, sect. A, para. 106.

in an effort to coordinate and gather information on law reform efforts in the ECOWAS region (Accra, 17-20 March 2014)*.

33. As a result of those activities, additional States became a party to the United Nations Convention on the Use of Electronic Communications in International Contracts and new national enactments of legislation on electronic commerce and electronic signatures were recorded (for additional details, see A/CN.9/806).

Procurement

34. In accordance with requests of the Commission and Working Group I (under its former mandate on Public Procurement), the Secretariat has established links with other international organizations active in procurement reform to foster cooperation with regard to the UNCITRAL Model Law on Public Procurement (2011) (the "Model Law")[12] and its accompanying Guide to Enactment (2012).[13]

35. The aims of such cooperation are to ensure that reforming Governments and organizations are informed of the policy considerations underlying those texts, including as regards regional requirements and circumstances, so as to promote a thorough understanding and appropriate use of the Model Law.[14] The Secretariat is taking a regional approach to this cooperation, and activities with the multilateral development banks in several regions, focusing on encouraging sustainable development, good governance and the avoidance of corruption (in which procurement reform plays a pivotal role), are under way.

36. To this end, the Secretariat has participated as speaker/presenter at a wide range of international events, including:

(a) Participation as a speaker on a range of procurement topics in an OECD procurement workshop for MENA countries and workshop for Iraq (Kuwait, 15-17 May 2013 and 21-24 April 2014*);

(b) Participation as a speaker on "Framework Agreements as a Centralized Purchasing Technique from the UNCITRAL Perspective" at the 9th Public Procurement Knowledge Exchange Platform held under the theme "Efficient Implementation of Procurement--Centralized Purchasing", co-sponsored by ADB, EBRD, IDB and the World Bank, and in cooperation with SIGMA (Skopje, 28-31 May 2013);

(c) Participation as a speaker at a regional conference organized by the Commercial Law Development Program of the United States Department of Commerce, held in collaboration with Algeria, Libya, Morocco, and Tunisia, on Best Practices in Public Procurement, addressing a range of topics, to assist these countries with developing policies and procedures consistent with international best practices, and to encourage SME development (Casablanca, Morocco, 28-31 May 2013);

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[12] *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 17* (A/66/17), annex I.

[13] Available at www.uncitral.org/uncitral/en/uncitral_texts/procurement_infrastructure.html.

[14] See documents A/CN.9/575, paras. 52 and 67, A/CN.9/615, para. 14, and A/66/17, paras. 186-189.

(d) Presentation of papers and chairing workshops at the Global Revolution VI Conference, an international event on developments in public procurement regulation, addressing the challenges in implementing the Model Law (Nottingham, United Kingdom of Great Britain and Northern Ireland, 24-25 June 2013);

(e) At the invitation of the Organismo Supervisor de las Contrataciones del Estado ("OSCE") and in collaboration with the IADB, leading a workshop in Peru, to address how the Model Law can strengthen the Government Procurement Law regulated by OSCE (Lima, 1-5 July 2013)*;

(f) Within the framework of an EBRD/UNCITRAL Initiative on Enhancing Public Procurement Regulation in the CIS countries and Mongolia: Presentation of the Model Law and supporting Guide to Enactment at (i) the 4th in a series of regional seminars on implementation of the Model Law in the CIS countries and Mongolia, in cooperation with the EBRD (Ulan Bator, 3-8 June 2013) (postponed from October 2012)*; (ii) a Regulatory Capacity-Building Session for Kazakhstan, and policy advice for public procurement reforms sessions for the Kyrgyz Republic and Tajikistan (London, 8-10 July 2013)*, (iii) a Workshop on Policy Advice for Public Procurement Reform in the Kyrgyz Republic in connection with the WTO GPA accession process (Bishkek, 5-6 November 2013)*; and (iv) Attendance at six-monthly review meetings of the progress on the Initiative and activities in cooperation with other development partners, such as OECD, OECD-SIGMA, ADB, IsDB, EIB, and others (London, 10 July 2013 and 10 January 2014);

(g) Participation in a panel on framework agreements in public procurement at the IBC Legal (Informa Group) European Public Procurement Forum (Brussels, 26 September 2013);

(h) Participation in the OECD Task Force on Procurement, co-chaired by the World Bank and the AfDB, to consider revisions to the OECD-DAC methodology for the assessment of public procurement systems, and the establishment of a global community of practice for public procurement (Rabat, Morocco, 6-9 October 2013)*;

(i) Participation in a Regional Workshop on Government Procurement for Central and Eastern Europe, Central Asia and the Caucasus, organized by the UNODC and hosted by IACA, under the "Public-Private Partnership for Probity in Public Procurement" (Vienna, 23-25 October 2013);

(j) Participation in a "PPPs day" at the 2013 Global Forum Law, Justice and Development (LJD) Week, hosting one of three sessions on PPPs, exploring how PPPs can be used to promote sustainable economic and social development, and considering the need for better regulation of the tool (Washington, D.C., 18-22 November 2013);

(k) Provision of technical assistance to the Government of Jamaica, in cooperation with the IADB, using the Model Law as the basis of a first national procurement law (Kingston, 22-29 November 2013);

(l) Participation in the OECD's 7th Annual Meeting of Senior PPP Officials, exploring legal and policy issues in PPPs and the need for further legal work in this area (Paris, 17-18 February 2014);

(m) Participation as a presenter to discuss common challenges in public procurement policy at the 1st Brazilian Series of Conferences on Public Procurement and Concession Design (Rio de Janeiro and Brasilia, Brazil, 24-27 March 2014); and

(n) Delivery of two workshops for regulators and procurement officials for the Zambia Public Procurement Authority, on the implementation of framework agreements in public procurement, based on the Model Law (Lusaka, 31 March-4 April 2014).

Supporting ongoing legislative work and training activities

37. The Secretariat has provided advice to the Governments of Jamaica and Trinidad and Tobago (with the support of the IADB) and to the Kyrgyz Republic and Tajikistan (within the framework of the EBRD/UNCITRAL Initiative on Enhancing Public Procurement Regulation in the CIS countries and Mongolia) on reform of their public procurement legal and regulatory framework.

38. The Secretariat has contributed to a UNODC "Guidebook on anti-corruption in public procurement and the management of public finances — Good practices in ensuring compliance with Article 9 of the United Nations Convention Against Corruption", which addresses how the Model Law fulfils the procurement-related requirements of that Convention.

39. The Secretariat has participated as a lecturer in (i) the programme of an Executive LLM in Public Procurement Law and Policy, (University of Nottingham, United Kingdom, 11-12 January 2014; (ii) the 7th and 8th editions of the ITC-ILO-University of Turin Master Course in Public Procurement Management for Sustainable Development (Turin, Italy, 18 June 2013, 3-4 March 2014 and 17 June 2014); and (iii) the Master in Public Procurement Management (PPM) course at the University of Rome, and in conjunction with the EBRD, Department of Business Government Philosophy Studies (Rome, 10-11 April 2014)*.

Insolvency

40. The Secretariat has promoted the use and adoption of insolvency texts, particularly the UNCITRAL Model Law on Cross-Border Insolvency (1997)[15] and the UNCITRAL Legislative Guide on Insolvency Law (2004),[16] through participation as a speaker at various international meetings and conferences, including:

(a) The 10th Joint UNCITRAL/INSOL/World Bank Multinational Judicial Colloquium, which aims to share information on and promotion of greater understanding of, cross-border insolvency cooperation and the key facilitating role of the Model Law on Cross-Border Insolvency. The participation of three judges was also funded (The Hague, Netherlands, 17-22 May 2013)*;

(b) A panel "Past, present and future: European insolvency reform, UNCITRAL and beyond" organized by the IBA (Prague, 27 May 2013);

[15] General Assembly resolution 52/158, annex.

[16] United Nations publication, Sales No. E.05.V.10.

(c) Turnaround Management Association's (TMA) Europe conference, chairing a panel on "A review of progress in European Insolvency Law" (London, 6-7 June 2013);

(d) A panel addressing cross-border insolvency, recent developments and future prospects at a conference organized by the Turnaround Management Association (TMA) (Washington, D.C., 4 October 2013);

(e) The Africa round table on insolvency law reform with the aim of facilitating discussion of insolvency law reform in the African region and identifying outcomes for further action. This event attracts participation at a high level and includes judges, government officials from both insolvency, company supervisory and other relevant ministries, insolvency professionals, bankers, and international organizations. Significant reform in some countries of the region has provided an impetus to others, as they compare themselves to best practice and international standards. As a result, we are seeing increasing enactment of the Model Law on Cross-Border Insolvency (Lusaka, 11-12 October 2013)*;

(f) A regional judicial colloquium organized jointly by UNCITRAL/INSOL/World Bank to disseminate information on the MLCBI and its application by both judges and practitioners from the Caribbean region (Grand Cayman, 5-8 November 2013)*;

(g) The 9th Forum on Asian Insolvency Reform (FAIR), organized jointly by The World Bank, INSOL International, UNCITRAL and the Central Bank of the Philippines (Manila, 3-5 December)*;

(h) A symposium on Choice of Law in Cross-Border Bankruptcies, organized by the Brooklyn Journal of Corporate, Financial and Commercial Law and Brooklyn Law School, with a view to advancing possible work by UNCITRAL in this field (New York, 7 March 2014); and

(i) Day on Insolvency, organized by the Danish Maritime and Commercial Court and the Danish Organization of Insolvency Lawyers to discuss possible adoption of the Model Law on Cross-Border Insolvency by Denmark (Copenhagen, 27 March 2014).

Security interests

41. The approach taken by the Secretariat in providing technical assistance related to UNCITRAL texts on security interests (the United Nations Convention on the Assignment of Receivables in International Trade (2001),[17] the UNCITRAL Legislative Guide on Secured Transactions: terminology and recommendations (2007),[18] its Supplement on Security Rights in Intellectual Property[19] and the UNCITRAL Guide on the Implementation of a Security Rights Registry (2013))[20] is twofold. The first approach focuses on disseminating information about those texts to Government officials, legislators, judges, academics and practitioners and thus,

[17] Available from www.uncitral.org/uncitral/en/uncitral_texts/security.html.
[18] Available from www.uncitral.org/uncitral/en/uncitral_texts/security.html.
[19] Available from www.uncitral.org/uncitral/en/uncitral_texts/security.html.
[20] Available from www.uncitral.org/uncitral/uncitral_texts/security.html.

promoting their implementation. Such activities included participation at the following events:

(a) Consultations with officials from the Ministry of Justice and the Moscow Notary Chamber. The main purpose of the activity was to provide comments on a draft law with amendments to the law on pledge registration with a view to implementing the relevant recommendations made by UNCITRAL in its texts (Moscow, 21-24 May 2013);

(b) Academic Forum of INSOL Europe. The purpose of the activity was to present UNCITRAL's work on intellectual property financing (Paris, 25 September 2013);

(c) Consultations with officials of the Ministry of Economic Development on the proposed UNCITRAL Centre in Moscow and with the Moscow Notary Chamber with respect to amendments to the new pledge registration law, lectures on secured financing in the work of UNCITRAL at the Moscow Institute of International Relations (MGIMO) on secured financing, and a presentation on the law applicable to security interests at a Conference on the 120th anniversary of the Hague Conference (Moscow, 22-24 October 2013);

(d) Lecture on UNCITRAL's work on intellectual property financing at the University of Bristol and in the framework of the LLM Specialist Seminar Series in Financial, Corporate, and Commercial Law of the Department of Law of the London School of Economics, and lecture on the influence of the UNCITRAL Legislative Guide on Secured Transactions at the EBRD Conference on Secured Lending in Commercial Transactions: Trends and Developments (London, 30 October-6 November 2013);

(e) Lectures on international secured financing in the work of UNCITRAL in the context of the European and Asian Legal Studies LLM Programme at the University of Vienna (Vienna, 4, 11 and 18 March 2014); and

(f) Conference on secured transactions organized by the Superintendency of Companies jointly with the Banking Association with regard to the new secured transactions law and registry regulations of Colombia (Bogota, 25-28 March 2014).

42. The second approach focuses on providing technical assistance to States in their secured transactions law reform activities. An example of such activities is the technical assistance provided to the Russian Federation with respect to pledge and pledge registration law. Another example is the cooperation with international financial institutions, such as the World Bank, the International Finance Corporation (IFC), and other organizations, such as the National Law Centre on Inter-American Free Trade, in the context of their technical assistance to States. The objective of this cooperation is to ensure that technical assistance is provided consistent with UNCITRAL texts on secured transactions. Examples of such an approach include the adoption of secured transactions laws that are consistent with the UNCITRAL Legislative Guide on Secured Transactions in Colombia.

43. The Secretariat also engages in informal consultation with legislators and policymakers from various jurisdictions, in some instances as a follow-up to the aforementioned activities. Finally, the Secretariat is making progress in its work with the World Bank with a view to preparing a set of principles for effective and efficient secured transactions.

Micro, Small and Medium-sized Enterprises

44. The Secretariat has encouraged participation in and dialogue in respect of its work on micro, small and medium-sized enterprises (MSMEs — Working Group I) through its participation, at the request of the Korean Ministry of Justice, as a panellist in a discussion on MSMEs at the UNCITRAL-MOJ-KLRI Joint International Conference — Enabling Environment for Microbusiness and Creative Economy (Seoul, 14-15 October 2013).

III. Dissemination of information

45. A number of publications and documents prepared by UNCITRAL serve as key resources for its technical cooperation and assistance activities, particularly with respect to dissemination of information on its work and texts.

A. Website

46. The UNCITRAL website, available in the six official languages of the United Nations, provides access to full-text UNCITRAL documentation and other materials relating to the work of UNCITRAL, such as publications, treaty status information, press releases, events and news. In line with the organizational policy for document distribution, official documents are provided, when available, via linking to the United Nations Official Document System (ODS).

47. In 2013, the website received roughly 575,000 unique visitors, an increase from 2012 (500,000 unique visitors). Approximately 58 per cent of traffic was directed to pages in English, 42 per cent to pages in Arabic, Chinese, French, Russian and Spanish. In this respect, it should be noted that, while the UNCITRAL website is among the most important electronic sources of information on international trade law in all languages, it may represent one of few available sources on this topic in some of the official languages.

48. The content of the website is updated and expanded on an ongoing basis in the framework of the activities of the UNCITRAL Law Library and therefore at no additional cost to the Secretariat. In particular, UNCITRAL official documents relating to earlier Commission sessions are continuously uploaded in the ODS and made available on the website under a project on digitization of UNCITRAL archives conducted jointly with the UNOV Documents Management Unit.

B. Library

49. Since its establishment in 1979, the UNCITRAL Law Library has been serving research needs of Secretariat staff and participants in intergovernmental meetings convened by UNCITRAL. It has also provided research assistance to staff of Permanent Missions, global staff of the United Nations, staff of other Vienna-based international organizations, external researchers and law students. In 2013, library staff responded to approximately 550 reference requests, a 16 per cent increase over 2012, originating from over 52 countries.

50. The collection of the UNCITRAL Law Library focuses primarily on international trade law and currently holds over 10,000 monographs, 100 active journal titles, legal and general reference material, including non-UNCITRAL United Nations documents, documents of other international organizations; and electronic resources (restricted to in-house use only). Particular attention is given to expanding the holdings in all of the six United Nations official languages. While use of electronic resources has increased, resources on trade law from many countries are still only found in print, and circulation of print items has remained steady.

51. The UNCITRAL Law Library maintains an online public access catalogue (OPAC) jointly with the other United Nations libraries in Vienna and with the technical support of the United Nations Library in Geneva. The OPAC is available via the library page of the UNCITRAL website.

52. The UNCITRAL Law Library staff prepares for the Commission an annual "Bibliography of recent writings related to the work of UNCITRAL". The bibliography includes references to books, articles and dissertations in a variety of languages, classified according to subject (for the forty-seventh Commission session, see A/CN.9/805). Individual records of the bibliography are entered into the OPAC, and the full-text collection of all cited materials is maintained in the Library collection. Monthly updates from the date of the latest annual bibliography are available in the bibliography section of the UNCITRAL website.

53. The Library produces a consolidated bibliography of writings related to the work of UNCITRAL on the UNCITRAL website.[21] The consolidated bibliography aims to compile all entries of the bibliographical reports submitted to the Commission since 1968. It currently contains over 7,000 entries, reproduced in the English and the original language versions, verified and standardized to the extent possible.

C. Publications

54. In addition to official documents, UNCITRAL traditionally maintains two series of publications, namely the texts of all instruments developed by the Commission and the UNCITRAL Yearbook. Publications are regularly provided in support of technical cooperation and assistance activities undertaken by the Secretariat, as well as by other organizations where the work of UNCITRAL is discussed, and in the context of national law reform efforts.

55. The following works were published in 2013: A Guide to UNCITRAL: Basic facts about the United Nations Commission on International Trade Law,[22] Recognizing and Preventing Commercial Fraud: Indicators of Commercial Fraud,[23] Recommendations to assist arbitral institutions and other interested bodies with regard to arbitration under the UNCITRAL Arbitration Rules (as revised in 2010),[24]

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[21] Available from www.uncitral.org/uncitral/publications/bibliography_consolidated.html.

[22] Available from www.uncitral.org/uncitral/en/about_us.html.

[23] Available from www.uncitral.org/uncitral/en/uncitral_texts/payments.html.

[24] Available from www.uncitral.org/uncitral/en/uncitral_texts/arbitration.html.

UNCITRAL Legislative Guide on Insolvency Law, Part Four: Directors' obligations in the period approaching insolvency,[25] and the 2010 UNCITRAL *Yearbook*.[26]

56. The following works were published in early 2014: UNCITRAL Arbitration Rules (with new article 1, paragraph 4, as adopted in 2013),[27] UNCITRAL Guide on the Implementation of a Security Rights Registry, UNCITRAL Model Law on Cross-Border Insolvency: The Judicial Perspective (Updated 2013),[28] UNCITRAL Model Law on Cross-Border Insolvency with Guide to Enactment and Interpretation,[29] UNCITRAL Model Law on Public Procurement, and UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration.

57. In light of budget and environmental concerns, the Secretariat has continued its efforts to use electronic media as a primary method to disseminate UNCITRAL texts. Thus, print runs for all publications have been reduced and several texts published in 2013 and so far in 2014 have been published exclusively in electronic format, namely: Recognizing and Preventing Commercial Fraud: Indicators of Commercial Fraud (e-book), UNCITRAL Model Law on Cross-Border Insolvency: The Judicial Perspective (Updated 2013) (e-book), and the 2010 UNCITRAL *Yearbook* (CD-ROM and e-book).

D. Press releases

58. Press releases are being regularly issued when treaty actions relating to UNCITRAL texts take place or information is received on the adoption of an UNCITRAL model law or other relevant text. Press releases are also issued with respect to information of particular importance and direct relevance to UNCITRAL. Those press releases are provided to interested parties by e-mail and are posted on the UNCITRAL website, as well as on the website of the United Nations Information Service (UNIS) in Vienna or of the Department of Public Information, News and Media Division in New York, if applicable.

59. To improve the accuracy and timeliness of information received with respect to the adoption of UNCITRAL model laws, since such adoption does not require a formal action with the United Nations Secretariat, and to facilitate the dissemination of related information, the Commission may wish to request Member States to advise the Secretariat when enacting legislation implementing an UNCITRAL model law.

E. General enquiries

60. The Secretariat currently addresses approximately 2,000 general enquiries per year concerning, inter alia, technical aspects and availability of UNCITRAL texts, working papers, Commission documents and related matters. Increasingly, these enquiries are answered by reference to the UNCITRAL website.

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[25] Available from www.uncitral.org/uncitral/uncitral_texts/insolvency.html.
[26] Available from www.uncitral.org/uncitral/publications/yearbook.html.
[27] Available from www.uncitral.org/uncitral/en/case_law/digests.html.
[28] Available from www.uncitral.org/uncitral/en/case_law/digests.html.
[29] Available from www.uncitral.org/uncitral/en/case_law/digests.html.

F. Briefings for Permanent Missions in Vienna

61. The Secretariat provided an Information meeting in preparation for the UNCITRAL 46th session of the Commission held in Vienna on 2 July 2013 and a briefing on Relevance of UNCITRAL to the 8th session of the General Assembly Open Working Group on Sustainable Development Goals (the OWG) on 20 January 2014 in New York.

G. Information lectures in Vienna

62. The Secretariat provides upon request information lectures in-house on the work of UNCITRAL to visiting university students and academics, members of the bar, Government officials including judges and others interested. Since the last report, lectures have been given to visitors from, inter alia, Austria, Germany, Slovenia and visiting delegations from Latin America and Vis Moot.

IV. Resources and funding

63. The costs of most technical cooperation and assistance activities are not covered by the regular budget. The ability of the Secretariat to implement the technical cooperation and assistance component of the UNCITRAL work programme is therefore contingent upon the availability of extrabudgetary funding.

64. The Secretariat has explored a variety of ways to increase resources for technical assistance activities, including through in-kind contributions. In particular, a number of missions have been funded, in full or in part, by the organizers. Additional potential sources of funding could be available if trade law reform activities could be mainstreamed more regularly in broader international development assistance programmes. In this respect, the Commission may wish to provide guidance on possible future steps.

A. UNCITRAL Trust Fund for symposia

65. The UNCITRAL Trust Fund for symposia supports technical cooperation and assistance activities for the members of the legal community in developing countries, funding the participation of UNCITRAL staff or other experts at seminars where UNCITRAL texts are presented for examination and possible adoption and fact-finding missions for law reform assessments in order to review existing domestic legislation and assess country needs for law reform in the commercial field.

66. During the period under review, the Government of the Republic of Korea, through its Ministry of Justice provided a contribution of US$ 18,803 for the participation of the UNCITRAL Secretariat in the APEC EoDB project during 2013 (see para. 12 above). In addition, a new contribution of US$ 20,000 was received for 2013 and a new pledge of US$ 20,000 for 2014 has been made by the Government of Indonesia, both to whom the Commission may wish to express its appreciation.

67. At its 46th Session (Vienna, 8-26 July 2013), the Commission appealed to all States, international organizations and other interested entities to consider making contributions to the Trust Fund for UNCITRAL symposia, if possible, in the form of multi-year contributions, or as specific-purpose contributions, so as to facilitate planning and enable the Secretariat to meet the increasing requests from developing countries and countries with economies in transition for training and technical legislative assistance (A/68/17, paras. 232-234). Potential donors have also been approached on an individual basis.

68. The Commission may wish to note that, in spite of efforts by the Secretariat to solicit new donations, funds available in the Trust Fund are sufficient only for a very small number of future technical cooperation and assistance activities. Efforts to organize the requested activities at the lowest cost and with co-funding and cost sharing whenever possible are ongoing. However, once current funds are exhausted, requests for technical cooperation and assistance involving the expenditure of funds for travel or to meet other costs will have to be declined unless new donations to the Trust Fund are received or alternative sources of funds can be found.

69. The Commission may once again wish to appeal to all States, relevant United Nations Agencies and bodies, international organizations and other interested entities to make contributions to the Trust Fund, if possible in the form of multi-year contributions, so as to facilitate planning and to enable the Secretariat to meet the demand for technical cooperation and assistance activities and to develop a more sustained and sustainable technical assistance programme. The Commission may also wish to request Member States to assist the Secretariat in identifying sources of funding within their Governments.

B. UNCITRAL Trust Fund to grant travel assistance to developing countries that are members of UNCITRAL

70. The Commission may wish to recall that, in accordance with General Assembly resolution 48/32 of 9 December 1993, the Secretary-General was requested to establish a Trust Fund to grant travel assistance to developing countries that are members of UNCITRAL. The Trust Fund so established is open to voluntary financial contributions from States, intergovernmental organizations, regional economic integration organizations, national institutions and non-governmental organizations, as well as to natural and juridical persons.

71. In the period under review, a contribution in the amount of euro 5,000 has been made by the Government of Austria, to whom the Commission may wish to express its appreciation.

72. During 2013, the available Trust Fund resources were used to facilitate participation at the 46th session of UNCITRAL in Vienna in July 2013 for delegates from El Salvador, Honduras and Mexico. Due to the limited resources, cost coverage has been provided either for the air ticket, or for the DSA only.

73. In order to ensure participation of all Member States in the sessions of UNCITRAL and its Working Groups, the Commission may wish to reiterate its appeal to relevant bodies in the United Nations system, organizations, institutions and individuals to make voluntary contributions to the Trust Fund established to

provide travel assistance to developing countries that are members of the Commission.

74. It is recalled that in its resolution 51/161 of 16 December 1996, the General Assembly decided to include the Trust Funds for UNCITRAL symposia and travel assistance in the list of funds and programmes that are dealt with at the United Nations Pledging Conference for Development Activities.